

ported a bill to incorporate the Columbus Tap Railway Company, correctly engrossed.

Mr. Hyde introduced a bill to incorporate the Southern Fire Insurance Company. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Hyde, chairman of the committee on Private Land Claims reported favorably on the petition of the heirs of Caldwell Carson presenting a bill for their relief, which was read 1st time.

On motion of Mr. Wallace, a bill to repeal the usury laws, was taken from the table. The substitute was adopted; and Mr. Guinn moved its indefinite postponement, upon which the yeas and nays were called and stood thus :

YEAS—Messrs. Duggan, Guinn, Herbert and Parsons—4.

NAYS—Messrs. Chambers, Dickinson, Erath, Fall, Grimes, Hart, Hyde, Lott, Martin, Pitts, Potter, Scarborough, Sims, Stockdale, Throckmorton, Walker, Wallace and Whaley—18.

Mr. Parsons moved to make the bill the special order of Tuesday the 3rd of January, 1860.

Mr. Sims moved to lay that motion on the table. Carried.

Mr. Herbert moved an adjournment until to Monday morning, 10 o'clock. Lost.

Mr. Throckmorton moved to make the bill the special order for Thursday the 5th of January, 1860.

Mr. Wallace moved to lay this motion on the table, upon which Mr. Guinn moved a call of the Senate, which was sustained.

Mr. Sims moved an adjournment until Monday morning, 10 o'clock, A. M. Carried.

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MONDAY, January 2, 1860.

Senate met—prayer by the Chaplain—roll called—quorum present.

Mr. Guinn presented the petition of W. R. Lenard for a charter for a ferry on the Trinity river. Referred to committee on Roads and Bridges.

Mr. Townes presented the petition of Charles Payne. Referred to the committee on Claims and Accounts.

Mr. Potter, chairman of the committee on the Judiciary, made the following report :

The Judiciary committee have considered a bill providing for the next election of "Representatives to the Congress of the United States from the State of Texas." The object of the bill

is to provide for the election of such numbers of Representatives as this State may be entitled to have in the Congress of the United States under the apportionment of representation to be made after the enumeration of the population of the United States, to be taken during the present year. Under this apportionment the State of Texas will be entitled to not less than four Representatives, and may be found to be entitled to five ; but as the number cannot now be certainly known, and consequently the State cannot at this time be re-districted, and as the election will come on before the next regular meeting of the Legislature, it is necessary that the Legislature now in session should make provision for the election of such number as we may be entitled to have. By general ticket, throughout the State, as provided by the bill, or otherwise it will become necessary for the Governor after he shall have been advised by the Secretary of the Interior of the United States, of the number to which the State may be found entitled, to convene the Legislature in Special Session for the purpose of providing for the election, either by general ticket or by districts. The cost of a special session of the Legislature for this purpose would not be probably less than \$75,000, and it is more than probable that it would much exceed that amount. To avoid which heavy draft upon the Treasury of the State, if it can be accomplished without doing injustice to any portion of the State, the committee think would be an object greatly to be desired at any time, and especially at a time when we are burthened by an Indian war, and with the cost of suppressing the foray on the Rio Grande frontier. A majority of the committee would not favor the mode of election by general ticket as a fixed policy for the future ; and it will be observed that the bill only provides for the one election, to take place on the first Monday in August, 1861, after which the act will cease to be of force, and it will necessarily be incumbent upon the next Legislature to make such provision on the subject as may then be thought advisable. It may be proper to remark here that it appears to be supposed by some, that there is an act of Congress now in force requiring the several States to be districted and the Representatives to be elected by Congressional Districts, but this is an error—there is no such law now in force. In 1842 Congress passed an act apportioning the Representatives among the several States, in which it was provided that the Representatives to be elected under that apportionment should be elected by districts. That apportionment was made under the census of 1840 ; and in 1850 Congress again provided for taking the census and apportioning the Representatives, but in this act (which is now in full force,

and will continue so until altered or repealed) there is no provision requiring the election to be by districts ; and the act of 1842 on the subject, having expired in 1850, and there being no law of the United States now in force on the subject, the State unquestionably has entire control of the matter. Section 4, Article 1, Constitution of the United States, provides that the times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators. The committee, therefore, direct me to return the bill to the Senate, and recommend its passage.

Mr. Guinn, chairman of the committee on Claims and Accounts, made the following report :

The committee on Claims and Accounts, to whom was referred a House bill for the relief of H. C. Lazenby, have considered it, and a majority of the committee have instructed me to report it back with amendment, and recommend the adoption of the amendment and the passage of the bill. The reason that the committee amend the bill is, that the same is to pay Mr. Lazenby for arresting a certain person under or by authority of a proclamation of E. M. Pease in 1855, in February, and the same was revoked in September, 1856, and the arrest was made in October, same year, without any knowledge of the revocation, as the proclamation was not published for obvious reasons, and the revocation was not published. The committee think the Governor cannot, under the law, offer a reward for more than \$500,00, and they find from Pease's own statement that that was the reward offered.

Amendment—Strike out the words, “one thousand” and insert “five hundred” in the 6th line of the bill.

Mr. Fall, chairman of the committee on Engrossed Bills, reported a bill to amend an act to incorporate the Indianola Railroad Company, approved 21st January, 1858.

A bill supplementary to an act to amend an act to incorporate the Memphis, El Paso and Pacific Railroad Company, approved February 10th, 1858.

A bill amendatory of an act to regulate proceedings in case of Forcible Entry and Detainer, approved 15th March, 1848, correctly engrossed.

Mr. Stockdale, from the committee on Internal Improvements, to whom was referred a bill supplemental to the modified charter of the Aransas Road Company, reported the bill back to the Senate and recommended its passage.

Mr. Parsons, chairman of the committee on Apportionment, made the following report :

The committee on Apportionment have agreed upon the accompanying bill and instruct me to report the same to the Senate and recommend its passage. Bill read first time.

Mr. Throckmorton introduced a bill to provide for the sale of the Reservations of lands ceded to the United States for Indian purposes by the act of February 6th, 1854. Read 1st and 2nd times and referred to the committee on Public Lands.

Mr. Potter introduced a bill to encourage the publication of a complete Digest of the Reports of the Supreme Court. Read 1st and 2nd times and referred to committee on the Judiciary.

Mr. Potter introduced a bill to amend the 5th section of the act of May 11th, 1846, entitled an act defining the duties of the Comptroller of Public Accounts of the State of Texas. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Harman introduced a bill for the relief of John H. Cul- lum. Read 1st and 2nd times and referred to the committee on the Court of Claims.

#### ORDERS OF THE DAY.

A bill to regulate interest. The motion to make the special order for Thursday the 5th instant, was laid on the table. Mr. Hart offered the following amendment as a substitute for the 3rd and 4th sections of the bill.

Sec. 3. The parties to any written contract may agree to and stipulate for any premium or rate of interest, and the same may be taken, allowed and recovered on all the aforesaid instruments before the maturity of the same.

Sec. 4. Every judgment of the several Courts of this State shall from the time the same was rendered, bear interest at the rate of eight per centum per annum, except in cases where the obligation sued on is for more than eight per cent. interest.

Sec. 5. If the instrument sued on shall be for a greater amount than twelve per centum per annum, the same shall be for the full rate of interest agreed on up to the maturity of the same, and after maturity no more than twelve per centum per annum shall be allowed ; and any judgment rendered shall bear interest at the rate of the instrument sued on except in cases where the instrument sued on is for a greater amount than twelve per cent. per annum, then the judgment shall bear interest at the rate of twelve per cent. per annum, and no more.

Sec. 6. The act of January 18, 1840, entitled an act to regulate interest, is hereby repealed, but contracts made previous to

the taking effect of this act, as to any question of interest growing out of them shall be governed and controlled by the provisions of said act hereby provided to be repealed.

On motion of Mr. Hart, the bill was made the special order for to-morrow the 3rd inst.

A bill for the relief of J. C. P. Kennymore. Read 3rd time and passed.

A bill amendatory of and supplemental to an act entitled an act to incorporate the city of New Braunfels, passed May 11th, 1846. Passed to a 3rd reading.

The report of the Judiciary committee on a bill to relieve Jackson L. Leonard from the disabilities of minority, recommending its rejection, was read and adopted.

The report of the Judiciary committee on the petition of J. H. Anderson and M. V. Loat, recommending its reference to the Finance committee, was read and adopted.

A joint resolution authorizing the Governor to appoint three competent persons to examine the State Penitentiary, ordered to be engrossed.

The report of the Judiciary committee on a bill to validate the acknowledgment and registration of deeds and other instruments of writing heretofore recorded, recommending an amendment. Read, amendment adopted and bill ordered to be engrossed.

The report of the Judiciary committee on a bill concerning property conveyed to and held in trust by the Bishop of the Catholic Church in Texas for charitable purposes, proposing amendments. Read, amendments adopted and bill ordered to be engrossed.

A bill for the relief of certain colonists or their assignees, of Peters' Colony. Read, and on motion of Mr. Sims, referred to the committee on the Judiciary.

A bill to amend the 23rd section of the General Land Law, passed 14th December, 1837. Mr. Guinn moved to amend by striking out the words "who have since married," and inserting the words "who married previous to the 1st day of January, 1846." Lost.

Mr. Hart offered the following amendment: Strike out "who contributed to the support of the Government" and insert "who actually served in the army."

Mr. Guinn moved to amend the amendment by confining the service in the army to the year 1836. Accepted by Mr. Hart, and amendment adopted.

The question being on the engrossment of the bill, was taken and carried by the following vote :

YEAS—Messrs. Dickinson, Duggan, Grimes, Hyde, Parsons, Pitts, Potter, Rainey, Throckmorton, Townes, Walker, Wallace and Whaley—13.

NAYS—Messrs. Chambers, Fall, Guinn, Harman, Herbert, Lott, Martin, Quinan, Rains, Scarborough, Sims and Stockdale—12. Messrs. Erath and Hart, upon request, were excused from voting.

A bill supplementary to an act to ascertain what certificates have been illegally issued by the County Courts of counties in Peters' Colony, ordered to be engrossed. Rule suspended, bill read 3rd time and passed.

On motion of Mr. Stockdale, the bill reported upon this day by the committee on Internal Improvements, supplementary to the modified charter of the Aransas Railroad Company was taken up and bill ordered to be engrossed.

Mr. Lott moved a suspension of the rule ; carried. Bill read 3rd time and passed by the following vote :

YEAS—Messrs. Chambers, Dickinson, Duggan, Erath, Fall, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Lott, Martin, Parsons, Potter, Rains, Rainey, Scarborough, Sims, Stockdale, Throckmorton, Townes, Walker and Whaley—24.

NAYS—None.

On motion of Mr. Throckmorton, Mr. Erath, and on motion of Mr. Guinn, Mr. Hart was added to the Select committee on Ways and Means for the protection of the frontier.

On motion of Mr. Wallace, Mr. Martin was added to the committee on Counties and County Boundaries.

On motion of Mr. Hyde, the Senate adjourned until to-morrow morning at 10 o'clock.

TUESDAY, January 3rd, 1860.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Townes presented the petition of Thomas J. Eanes, a private of Capt. Ford's company, for relief. Referred to the committee on Claims and Accounts.

Mr. Stockdale, from the committee on the Judiciary, to whom was referred a "House bill" to incorporate the Western Texas Life, Fire and Marine Insurance Company of the city of